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C O N F I D E N T I A L SECTION 01 OF 02 ABUJA 000652

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SUBJECT: NIGERIA CHILD LABOR: CHILD RIGHTS ACT, ALMAJIRAI,
WACAP

REF: 07 ABUJA 2477

Classified By: Political Counselor Walter Pflaumer for reasons 1.4. (b
& d).

11. (C) SUMMARY. Ministry of Womens' Affairs and Social Development officials working on child labor told Poloffs on March 13 the Child Rights Act, a critical piece of legislation in fighting child labor, has been slow to pass in the predominantly Muslim northern states due to specific provisions of the Act that contravene Islamic law. An amended version of the Act which passed in the northern state of Jigawa may offer a way forward for other northern states on this issue. The officials called the problem of Almajiria (children sent to Quranic schools in urban centers, and who must rely on begging to support themselves and/or the school) in the North as "pervasive and serious." A nationwide survey should shed light on the scope of the Almajirai problem in the north; preliminary results of the survey are expected in June 2008. The officials recommended sustainability assessments of current child labor programs in the cocoa industry, lamenting the short, two-year time horizon of the West Africa Cocoa / Commercial Agriculture Project to Combat Hazardous and Exploitative Child Labor (WACAP) program. END SUMMARY.

12. (SBU) Poloffs met with Deputy Director of the Child Development Department Macjohn Nwaobiala and Director of the Orphans and Vulnerable Children Department Ochanya Ebe at the Ministry of Womens' Affairs and Social Development on March 13 to discuss child labor issues. Nwaobiala was a former director on the International Labour Organization (ILO) funded LUTRENA (Fight Against Trafficking in Children in Africa) child labor project which worked to address child labor in the cocoa industry.

Child Rights Act Contravenes Islamic Teaching

13. (C) The Federal Child Rights Act of 2003, which contains stiff criminal sanctions for violations of child labor laws, has been ratified by 16 states, with 2 more awaiting signature by the governors (reftel); however, the northern state of Jigawa is the only predominantly Muslim northern Nigerian state to ratify the Act. Nwaobiala and Ebe told Poloffs the Act has been slow to pass in Northern Nigeria

because two of the provisions are perceived to contravene Islamic law. Specifically, the Child Rights Act stipulates the age of a minor as less than 18, whereas Islamic law defines the age of a minor more loosely, based on the onset of puberty. The Act prohibits sexual relations and marriage of minors, which conflicts with the northern cultural practice of early marriage (generally between ages 15 and 18). As well, the Act contains specific provisions covering adoption, such as granting adopted children equal rights (including inheritance) as biological children. Islamic law, however, grants biological children greater rights to inheritance than adopted children. Of lesser concern, according to Nwaobiala and Ebe, are more general criticisms that the Act may prevent parents from disciplining a child or grants too much freedom to children.

14. (C) According to Ebe, with the assistance of the Ministry of Womens' Affairs and Social Development, Jigawa State (on Nigeria's northern border with Niger) redrafted portions of the Act, linking the definition of a minor to puberty and the bringing the rights of an adopted child more into line with Islamic family heirarchy. The amended Act passed without issue. Kano State is currently looking at the Jigawa version of the Act and Nwaobiala expected the revised version will pass without difficulty. The Ministry is pursuing passage of the Jigawa version in other northern states as well. (Comment. What may be equally, if not more salient than perceptions the Act may contravene aspects of Islamic law is the view among northern leaders that northern ideas and cultural practices were excluded from the drafting process. While several northern leaders appear willing to define a set of rights for children, and other at-risk communities, local community buy-in and support remain critical for state

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ratification. End Comment.)

Almajirai - Scope of Problem

15. (C) Ebe called the problem of Almajirai (children sent to Quranic schools in urban centers, and who must rely on begging to support themselves and/or the school) "pervasive and serious." Large numbers of the children, she explained, are far from home and also qualify as trafficked children. Ebe claimed Almajirai are also frequently used by politicians to stir up trouble or participate in violence against rival political groups. The Ministry is currently wrapping up a USG-supported survey on the impact of HIV/AIDS on children, which examines the roles, work and family situations of children in Nigeria. The Ministry believes the survey will also provide an accurate assessment of the exact scope of the Almajirai problem. Nwaobiala said the data from the states should be collated and analyzed within the next month and a preliminary report ready in June 2008. (NOTE: Post will follow-up when results of the survey are available.)

WACAP Program Funding Too Short-Term

16. (C) Nwaobiala criticized the short-term funding horizons for child labor programs in Nigeria's cocoa industry. In particular, he complained that the two-year programs of the West Africa Cocoa / Commercial Agriculture Project to Combat Hazardous and Exploitative Child Labor (WACAP) program are too short to be sustainable. He specifically recommended that the WACAP program should do an impact assessment to look at the sustainability of its project beyond the two-year horizon.
SANDERS